

# **Exhibit 12**

DORETHEA FRANKLIN

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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BLACK LOVE RESISTS IN THE RUST by and through  
MARIELLE SHAVONNE SMITH and CHARIS HUMPHREY  
on behalf of its members, SHAKETA REDDEN,  
DORETHEA FRANKLIN, TANIQUA SIMMONS, DE'JON HALL,  
JOSEPH BONDS, CHARLES PALMER, SHIRLEY SARMIENTO,  
EBONY YELDON, and JANE DOE,  
individually and on behalf of a class of all  
others similarly situated,

Plaintiffs,

-vs-

CITY OF BUFFALO, N.Y., BYRON B. BROWN,  
Mayor of the City of Buffalo, in his individual and official  
capacities,  
BYRON C. LOCKWOOD, Commissioner of the  
Buffalo Police Department, in his individual  
and official capacities,  
DANIEL DERENDA, former Commissioner of the  
Buffalo Police Department, in his individual capacity, AARON  
YOUNG, KEVIN BRINKWORTH, PHILIP SERAFINI,  
ROBBIN THOMAS,  
UNKNOWN SUPERVISORY PERSONNEL 1-10,  
UNKNOWN OFFICERS 1-20, each officers of the  
Buffalo Police Department,  
in their individual capacities,

Defendants.

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1 A. Yes.

2 Q. Okay. So that's a document you reviewed in the  
3 one to two hour meeting you had with your  
4 attorneys?

5 A. Yes.

6 Q. All right. Are there any other documents you've  
7 reviewed that you now remember that you didn't  
8 tell me about earlier or would it have just been  
9 your deposition testimony and the complaint?

10 MS. TEFFT: I'm going to object, only insofar as  
11 there's privileged information in something that  
12 we reviewed, so don't talk about the contents.

13 BY MR. SAHASRABUDHE:

14 Q. Just the documents you looked at.

15 A. Oh, I don't know the name of the documents, but I  
16 was -- that was it I think.

17 Q. Okay. To the best of your recollection, those  
18 are the only two documents you remember?

19 A. Um-hum. Yes.

20 Q. In having reviewed paragraphs two hundred six  
21 through two thirty-six, did you notice anything  
22 that was inaccurate or that doesn't accurately  
23 portray your experiences with vehicle and traffic

1           safety checkpoints in the City of Buffalo?

2 A. No. It described it.

3 Q. Can you tell me what your understanding of a  
4       vehicle and traffic safety checkpoint is?

5 A. If you're doing a safety checkpoint, you are  
6       supposed to be doing it for a couple of reasons.  
7       One is alcohol, to make sure there's no drunk  
8       driving. That's not what these checkpoints were.

9 Q. Well, can you describe the checkpoints that you  
10      encountered when you were living at the  
11      Cloverdale address?

12 A. Intrusive, racist, discriminatory, meaningless,  
13      money grab.

14 Q. Okay. Well, let me ask you this. When you went  
15      through a vehicle and safety checkpoint in the  
16      City of Buffalo, would officers look at the  
17      vehicle and registration tag on your car?

18 A. Would they look at it, yeah. I believe they did  
19      one time.

20 Q. And would it be fair to say that you never once  
21      received a traffic ticket after having gone  
22      through a checkpoint in the City of Buffalo?

23 A. Would it be fair to say that, I don't recall. I

1 initial checkpoint, correct?

2 A. You had no choice but to go through that, the  
3 Strike Force was right there, and traffic was  
4 backed up from the expressway, so you had no  
5 choice but to be slow going down.

6 Q. Okay.

7 MS. TEFFT: Objection. Can you be clearer in your  
8 questions about -- you're saying going through a  
9 checkpoint, just being distinct about just  
10 driving on through versus going through the  
11 actual primary stop.

12 BY MR. SAHASRABUDHE:

13 Q. Right. I guess that's what I'm asking. Is it  
14 your testimony that at certain checkpoints, there  
15 was -- there were certain drivers who didn't have  
16 to stop at all?

17 A. Yes.

18 Q. Okay. And only some drivers were stopped  
19 momentarily?

20 A. Black drivers was, yes.

21 Q. Okay. And it's your testimony that if a white  
22 person went through a vehicle and traffic safety  
23 checkpoint, they were not stopped at all?

1 A. Yes.

2 Q. Okay. And is it your testimony that that  
3 happened in every instance you saw a white person  
4 go through or approach a checkpoint?

5 A. From what I can recall, yes.

6 Q. Do you recall how often you saw white people go  
7 through checkpoints?

8 A. You ask me a question that -- I did not count as  
9 many white people, I didn't count them so I don't  
10 know.

11 Q. I understand that you don't have a specific  
12 number, but was it a regular occurrence that you  
13 saw white people going through checkpoints?

14 A. I mean, I can't answer that question for you.  
15 Because it still makes me feel like I have to  
16 give you a number, and I don't -- I can't. I  
17 can't give you that. It was a lot of white  
18 people that went through, but I don't know how  
19 many.

20 Q. Okay. So it happened on more than one occasion  
21 that you saw white people go through checkpoints?

22 A. For the past -- yes. From the time it started to  
23 the time it ended, yes.

1 standing outside my home blocking my house while  
2 they were going on my property.

3 Q. So these were put in your mailbox the way the  
4 other two were?

5 A. They were put in the mailbox.

6 Q. Okay. I'll hand you that, L and M. So I just  
7 handed you Defendant's Deposition Exhibit M and  
8 L. Do you need a second to look those over? Are  
9 you familiar with these documents?

10 A. Yes.

11 Q. Fair to say that these are two tickets you  
12 received on the same date, which is March -- it  
13 was March of this year, March of 2023?

14 A. Yes.

15 Q. Can you tell me where you received these two  
16 tickets?

17 A. I was near -- I was driving down Bailey, I was  
18 pulled over just before Delavan.

19 Q. Fair to say that this was not at a vehicle and  
20 traffic safety checkpoint when you were pulled  
21 over?

22 A. Fair to say.

23 Q. Okay. And so how were you pulled over?

1 A. He chased behind me and pulled me over.

2 Q. The officer who issued the tickets, drove up  
3 behind you and put his lights on?

4 A. Yes.

5 Q. And you pulled over?

6 A. Yes.

7 Q. And could you describe what took place after you  
8 pulled over?

9 A. He asked me who I was, and I asked what was he  
10 pulling me over for, didn't have a clear reason  
11 why he was pulling me over, then he started  
12 searching for reasons to give me a ticket.

13 Q. When you say searching for reasons to give you a  
14 ticket, did he ultimately tell you that your  
15 windows were tinted?

16 A. After. That wasn't his original reason for  
17 pulling me over, so I don't know what the -- but  
18 after he started searching.

19 Q. Okay. So how long after the original --  
20 withdrawn. How long after pulling you over did  
21 he notify you that your windows were tinted?

22 A. About five, ten minutes.

23 Q. And at this point he wrote you these two tickets?

1 A. Yes.

2 Q. And one of the tickets is for the front  
3 windshield being tinted, correct?

4 A. Yes.

5 Q. And the other is for the side windshield being  
6 tinted?

7 A. Yes.

8 Q. Were those windows, in fact, tinted?

9 A. Yes.

10 Q. Okay. Have you challenged or disputed these  
11 traffic tickets in a court of law?

12 A. Yes.

13 Q. What was the outcome?

14 A. Dismissed.

15 Q. You didn't have to pay any fine or --

16 A. No.

17 Q. -- any penalty of any kind?

18 A. No.

19 Q. Were you arrested on this occasion?

20 A. I get -- is an arrest when they give you the  
21 summons to go to court?

22 Q. Well, that's a good question, so I'm going to  
23 make a distinction. No. Were you taken away

1 STATE OF NEW YORK)

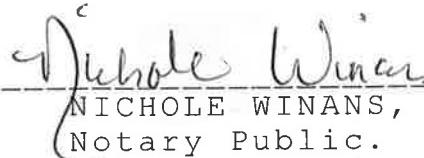
2 SS:

3 COUNTY OF ERIE)

4

5 I, Nichole Winans, a Notary Public in and  
6 for the State of New York, County of Erie, DO  
7 HEREBY CERTIFY that the testimony of DORETHEA  
8 FRANKLIN was taken down by me in a verbatim  
9 manner by means of Machine Shorthand, on May 15,  
10 2023. That the testimony was then reduced into  
11 writing under my direction. That the testimony  
12 was taken to be used in the above-entitled  
13 action. That the said deponent, before  
14 examination, was duly sworn by me to testify to  
15 the truth, the whole truth and nothing but the  
16 truth, relative to said action.

17 I further CERTIFY that the above-described  
18 transcript constitutes a true and accurate and  
19 complete transcript of the testimony.

20  
21   
22 NICHOLE WINANS,  
23 Notary Public.